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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,662	07/11/2001	Takashi Yamaguchi	0649-0791P	7851
2292	7590	10/15/2003	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WYROZEBSKI LEE, KATARZYNA I	
			ART UNIT	PAPER NUMBER
			1714	

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/901,662	YAMAGUCHI ET AL.	
	Examiner	Art Unit	
	Katarzyna Wyrozebski Lee	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

In view of the applicant's amendment filed on 7/31/2003 following final office action has been necessitated.

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-8, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by GYNN (US 5,521,232).

The discussion of the disclosure of the prior art of GYNN from paragraph 2 of the office action mailed on 4/1/2003 is incorporated here by reference.

3. Claims 1, 4, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by SUGITA (US 6,329,442).

The discussion of the disclosure of the prior art of SUGITA from paragraph 3 of the office action mailed on 4/1/2003 is incorporated here by reference.

In the amendment files on 7/31/2003 the applicants argued following:

a) The components B and C or D of compositions of the prior art of GYNN and SUGITA are not mixed internally as they are in the present invention. Applicants further address examples in the

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present invention, which examples show how different the results between internally and externally mixed products are.

The examiner would like to point out that claims 1 and 12 are product by process claims, where in the patentable weight is given to the products.

On page 17 of the specification of the present invention the applicants wrote following

The molding composition of the invention is prepared in a usual manner, for example, by compounding the components other then component (A) in a Henschel mixer, a fluidized
15 bed mixer, and the like, and the mixture is then mixed with component (A) .

Known molding methods can be adopted with no particularly restriction for obtaining molded articles of the present invention from the above-mentioned molding
20 composition, such as compression molding, laminated molding, injection molding, and extrusion. The composition may be preheated by preliminary heating or by heating to shorten the molding cycle time.

The above is the only definition of the molding processes of the present invention. If term internally means something different, then it will become 112 issue, since term "internally" is not defined in the specification. Since prior art of record utilizes molding process as disclosed on page 17 of the present invention then it fits the claims.

With respect to the applicant's comparative data versus data provided for the present invention, the examiner was not able to make any conclusions for the following reasons. One is that the applicant did not define what he means by internally and externally, if the process is different from what is recited in the present invention. Second the compositions of the examples are not specifically described. Mainly the applicants state that to polyester resin the component

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added is either C or D without stating in some cases which one C or D is actually added. In comparative results, it is not clear if the additives added are the same as those utilized in examples of the present invention. For examiner to make any determination, if the difference is only in mixing, the examples should contain the same components in the same amount, wherein the only difference is the mixing.

b) The applicants have also amended claim 2 to read on organic fiber and states that the prior art of GYNN does not disclose use of organic fibers.

In the amendment filed on 7/31/2003 the applicants have stated the following:

Still further, it is noted that in instant claim 2, the same has been amended to recite that the component (A) is "a fibrous material of an organic fiber". Nowhere in the cited reference of Gynn et al. is there disclosed or otherwise mentioned any advantages of such an organic fiber. Instead, in claim 13 of the cited Gynn reference, there is simply disclosed the use of a polyolefin fiber and the like, which are organic fibers, and silica, which is an inorganic fiber. However, there is no mention

in the claim that an organic fiber is especially preferable, as has been discovered by the present inventors. This same argument is also presented against claim 4 of the cited Gynn et al. reference, which in no way motivates one of ordinary skill in the art to arrive at the instant invention, or the fact that a fibrous material of an organic fiber as utilized for component (A) in the present invention aids in achieving an advantageous result.

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Claim 13 of the prior art of GYNN not only discloses polyolefin fibers, but also polyamide fibers and polyester fibers. These components do not have to be on preferred list in order to be applicable against present claims. The fact is that they are there they are taught and claimed by the prior art of GYNN. The examiner cannot disregard the entire teaching of the prior art of GYNN and rely solely on the examples or preferred embodiments.

The examiner also acknowledges applicant's statement common ownership with respect to disclosures US 6,339,115 to AOKI and US 6,300, 387 to YAMAGUCHI.

For the ODP analysis, the prior art of AOKI lacks inorganic filler and it discloses additional component of polycarboxylic acid in amount of 0.1-30 wt %, therefore this prior art will not be used in ODP rejection. The prior art of AOKI also does not disclose acid value for the polymer.

The prior art of YAMAGUCHI discloses composition comprising polymer and free radical generator. Fibrous component is mentioned in dependent claims and does not provide acid value for the polymer. YAMAGUCHI also lacks inorganic filler.

The two disclosures also do not recite the mixing limitation of the present invention.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

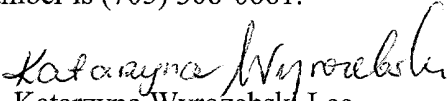
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski Lee whose telephone number is (703) 306-5875. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Katarzyna Wyrozebski Lee
Primary Examiner
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October 8, 2003